

## Remarks

### **1. Status of the Claims**

Presently pending are claims 1-23, of which claims 1, 11, and 17 are independent and the remainder are dependent. Applicant has amended claim 11 to clarify that the voice command platform provides the consolidated message notification to the user as a speech signal.

### **2. Summary of Office Action**

In the office action mailed May 11, 2007, the Examiner rejected all of the pending claims under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent Application Pub. No. 2002/0122541 (Metcalf) in view of U.S. Patent Application Pub. No. 2002/0087643 (Parsons).

### **3. Response to Rejections**

Under M.P.E.P. § 2143, in order for a combination of references to render a claimed invention obvious, the combination must disclose or suggest all of the limitations of the claim, and the Examiner must provide objective evidence that supports the proposed combination or modification of the references. *See* M.P.E.P. § 2143; *In re Royka*, 490 F.2d 981 (CCPA 1974); *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988) (explaining that an Examiner can only meet the burden of establishing a *prima facie* case of obviousness "by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art [that] would lead that individual to combine the relevant teachings of the references"); *In re Lee*, 277 F.3d 1338, 1342-43 (Fed. Cir. 2002) (stating that rejections under 103 must be based on evidence).

In this case, the Examiner has admitted that the primary Metcalf reference fails to disclose a speech signal representing a consolidated summary of counts of messages waiting for the user at a plurality of message portals. (*See* office action, at page 3, lines 4-5.) This element

is recited in various ways in independent claims 1 and 17, and now in amended independent claim 11.

Given the clear deficiency of Metcalf, the Examiner then cited Parsons and asserted that paragraph 0017 of "Parsons teaches sending to the user a speech signal representing a consolidated summary of counts of messages waiting for the user at a plurality of message portals." (*See* office action, at page 3, lines 6-8.) However, a reading of Parsons reveals that Parsons does not include any such disclosure. At best, Parsons teaches a notification server that sends a WAP push or other sort of push message, via HTTP, SMDPP, or the like, to a user, providing the user with a consolidated message notification. There is no teaching or suggestion in Parsons to provide a consolidated message notification as a speech signal to a user as recited in Applicant's claims. (In fact, the only mention of voice interaction in Parsons is that Parson's voice mail server can include an IVR, at paragraph 0014. Yet, even given that technology, Parsons failed to teach anything about having an IVR or other platform send a consolidated message notification as a speech signal as recited in Applicant's claims.) Thus, Parsons clearly fails to make up for the admitted deficiency of Metcalf.

Furthermore, the Examiner has not cited any objective evidence that would suggest modifying Metcalf or Parsons to achieve the presently claimed invention. The fact that consolidated message notification is known does not render obvious the innovative arrangement recited in Applicant's claims, such as having a voice command platform receive a call from a user and send to the user a speech signal representing a consolidated summary of counts of messages waiting for the user at a plurality of message portals.

Still further, in rejecting claim 1, the Examiner asserted that "Therefore" it would have been obvious to modify Metcalf's invention using the WAP alerting of Parsons. Yet providing

WAP alerting in Metcalf's invention would not result in Applicant's invention, since a WAP push alert is visual alerts (e.g., to be displayed on the recipient device, as described by Parsons at paragraph 0036), not a speech signal as recited in claim 1. And the Examiner has not pointed to any objective evidence that would suggest or logically lead to the claimed arrangement.

For these reasons, Applicant submits that the Examiner has not established *prima facie* obviousness of claims 1-10 and 17-23 and that claims 1-10 and 17-23 are therefore allowable. Further, Applicant submits that, at least in view of the amendment to claim 11, claims 11-16 are allowable for largely the same reasons that claims 1-10 and 17-23 are allowable.

Applicant therefore respectfully requests favorable reconsideration and allowance of all of the claims.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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